

EXHIBIT H

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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
 Plaintiff,
 v.
 MARCUS WHITFIELD,
 Defendant.

No. CR 07-0366 VRW

**DECLARATION OF POLICE
 OFFICER ERIC REBOLI IN SUPPORT
 OF UNITED STATES' OPPOSITION
 TO DEFENDANT'S MOTION TO
 SUPPRESS PHYSICAL EVIDENCE**

Hearing: August 28, 2007
 Time: 10:30 a.m.
 Court: Hon. Vaughn R. Walker

I, Officer Eric Reboli, do hereby declare:

1. I have been employed by the City and County of San Francisco as a San Francisco Police for 2 years.
2. On April 29, 2007 at approximately 6:00 p.m., while on duty, Officer Kobold and I were investigating an individual I believed had a no bail warrant issued against him. Officer Morrow and Anderson responded to our location as backup at Sunnydale Avenue and

1 Santos Avenue in San Francisco, CA.

2 3. Officer Anderson recognized the individual at the intersection of Sunnydale Avenue and
3 Santos Avenue as Marcus Whitfield, who was a reported suspect in a domestic battery
4 incident, which occurred on April 28, 2007.

5
6 4. On April 28, 2007, a domestic battery police report was filed, which stated that Officers
7 Anderson and Ortiz were flagged down at the intersection of Sunnydale Avenue and
8 Hahn Street in San Francisco, in a marked police car by a woman named Cavia Daniels.
9 Ms. Daniels reported to Officers Anderson and Ortiz that her boyfriend, Marcus
10 Whitfield, who lives at 1855 Sunnydale Avenue, San Francisco, CA. physically assaulted
11 her.
12

13 5. Officer Anderson recognized Marcus Whitfield as being a wanted suspect in the above
14 described domestic battery incident.

15
16 6. On April 29, 2007, Marcus Whitfield was placed under arrest at the intersection of
17 Sunnydale Avenue and Santos Avenue in San Francisco and transported to the Ingleside
18 Police Station by myself and Officer Kobold.

19 7. While being processed and booked, Marcus Whitfield stated his home address is 943
20 Drake Avenue, Sausalito, CA. Marcus Whitfield's booking information therefore states a
21 home address of 943 Drake Avenue in Sausalito, CA., because that was the home address
22 Whitfield stated to Officer Kobold and myself.
23

24 8. Marcus Whitfield's home address, which is on file with the San Francisco Adult
25 Probation Department is 1855 Sunnydale Avenue in San Francisco.

26
27 9. A computer check revealed that Marcus Whitfield was subject to a warrantless search
28 condition and is on felony probation until June 21, 2009. A criminal history report stated

Marcus Whitfield's home address is 1855 Sunnydale Avenue in San Francisco.

10. On April 29, 2007, while on duty, I participated in a probation search of Marcus Whitfield's residence at 1855 Sunnydale Avenue, San Francisco, CA.

11. On April 29, 2007 at approximately 8:15 p.m., the following police officers were present at 1855 Sunnydale Avenue, San Francisco, CA.: myself, Officer Campos, Officer Trail and Officer Kobold. All four of us were dressed in San Francisco Police Department police uniforms

12. Myself and Officer Campos were located at the front door of the residence stated above. Officer Trail and Officer Kobold were located at the back door of the residence.

13. Upon officers knocking on the front door to the residence, I observed a female, later identified as Donecia Colvin, pop her head out of the upstairs window of the residence.

14. Officer Campos asked Ms. Colvin if she could do him a favor and come to the front door and talk to us. Ms. Colvin responded, "yeah, ok."

15. Moments later, Ms. Colvin opened up the front door and was standing on the stoop, while myself and Officer Campos stood on the front stairs.

16. At no time either outside of the residence or inside of the residence, did I or any other police officer have our hands on our firearms or display our firearms. Our firearms remained holstered.

17. For approximately 10 minutes Officer Campos had a conversation with Ms. Colvin regarding the whereabouts of her parents because she looked like a minor. Officer Campos asked Ms. Colvin if her mom and dad were at home. Ms. Colvin replied, "no, they're not here."

18. Officer Campos asked Ms. Colvin if there was any way to get a hold of her parents. Ms. Colvin replied, "I can't get a hold of my mom and my dad lives in Hunters Point.

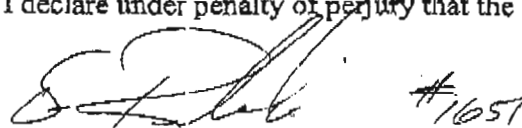
- 1 19. Officer Campos asked Ms. Colvin how she gets a hold of her mom. Ms. Colvin replied,
2 "I don't know her phone number." Ms Colvin also stated, "sometimes she stays out 2-3
3 days at a time" and "people come and go out of the house."
4 20. Officer Campos asked Ms. Colvin if she knows Marcus Whitfield. Ms. Colvin replied,
5 "yeah, he's my brother."
6 21. Officer Campos asked Ms. Colvin if Marcus Whitfield sleeps at the residence. Ms.
7 Colvin stated, "he sleeps in a room upstairs," and pointed upward with her finger.
8 22. Officer Campos told Ms. Colvin the reason why we were at the house was because there
9 might be a gun in the house.
10 23. Officer Campos then asked Ms. Colvin if she would mind if we took a look at the room.
11 Ms. Colvin stated, "come on I'll show you." Ms. Colvin walked up the stairs leading to
12 the second floor and Officer Campos and I followed her.
13 24. Ms. Colvin led Officer Campos and myself into a bedroom and she said, "this is where he
14 sleeps." There was only one bed in the bedroom.
15 25. Officer Campos asked Ms. Colvin if she could do him a favor and pick up the bed
16 mattress. Ms. Colvin replied, "Oh, ok," and lifted up the bed mattress.
17 26. Ms. Colvin never refused or declined to lift up the mattress.
18 27. Upon Ms. Colvin lifting up the mattress, I observed a firearm and a firearm magazine
19 underneath the bed mattress. The firearm was found underneath the bed mattress, which
20 is exactly where Cavia Daniels told Officers Anderson and Ortiz the gun would be on
21 April 28, 2007.
22 28. The firearm was an Intratec Tec-9 9mm submachine gun, which matched the description
23 of the gun Cavia Daniels told Officers Anderson and Ortiz on April 28, 2007.
24 29. Ms. Colvin acted surprised to see the gun and stated, "Oh my God, Oh my God."
25
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- 1 30. Ms. Colvin appeared afraid that a firearm was in the bedroom.
- 2 31. I observed adult male clothing in the bedroom along with Hennessy bottles (an alcohol
- 3 beverage), a photograph of Marcus Whitfield and other photographs of adult males.
- 4 32. Ms. Colvin provided Officers with contact information for her father, Duane Colvin, who
- 5 was contacted by Officers and informed of what was occurring at the residence and how
- 6 Ms. Colvin was home alone. Officers picked up Duane Colvin from his residence and
- 7 brought him to the residence at 1855 Sunnydale Avenue, San Francisco, CA.
- 8
- 9 33. Duane Colvin provided Officers with Ms. Colvin's mother's telephone number.
- 10 34. Numerous attempts were made to contact Ms. Colvin's mother. When Ms. Colvin's
- 11 mother was eventually contacted she refused to come to 1855 Sunnydale Avenue because
- 12 Duane Colvin was already present.
- 13
- 14 35. During the Probation search of the residence there were two Police Officers upstairs and
- 15 two Police Officers downstairs.
- 16 36. Ms. Colvin was helpful and cooperative with officers.

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18 I declare under penalty of perjury that the foregoing is true and correct.

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20  #1651

21 Officer Eric Reboli, Star #1651

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